

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

PAULETTE MCTIZIC

§

VS.

§

CIVIL ACTION NO. 1:04cv438

BUREAU OF PRISONS, ET AL

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Paulette McTizic, proceeding *pro se*, filed the above-styled lawsuit. The court referred the matter to the Honorable Earl S. Hines, United States Magistrate Judge, for consideration pursuant to applicable orders of this court.

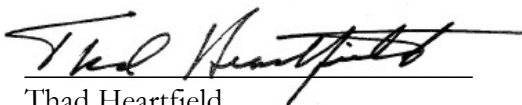
The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends that the claim filed pursuant to the Federal Tort Claims Act be dismissed without prejudice for lack of subject-matter jurisdiction. He also recommends that the claim brought pursuant to *Bivens v. Six Unknown Agents of Bureau of Narcotics and Dangerous Drugs*, 403 U.S. 388 (1971), be dismissed without prejudice for failure to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge. No objections to the Report and Recommendation were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered.

SIGNED this the 26 day of **October, 2006**.


Thad Heartfield
United States District Judge

